

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK LINE A/S,

Plaintiff,

-V-

MARIE CAREW t/a HOLIDAY SHIPPING,

Defendant.

19 Civ. 4870 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On March 1, 2022, the Court granted summary judgment in favor of Plaintiff Maersk Line A/S (“Maersk”) on its breach of contract claim with respect to certain unpaid carriage charges owed by Defendant Marie S. Carew (“Carew”), with the exception of the “prepaid” freight charges for which summary judgment was denied. Dkt. 83. The Court ordered Maersk to file a submission concerning its calculation of damages for the charges on which it prevailed by March 18, 2022, and directed Carew to file objections to Maersk’s damages calculation by March 25, 2022. Dkt. 85. Maersk did so in a letter dated March 17, 2022, setting forth its calculation of damages arising from those charges and arriving at \$142,288 in damages plus prejudgment interest. Dkt. 86. Carew has not objected to Maersk’s calculation itself, but rather, as noted below, has attempted to relitigate the question of her liability for those charges. Dkts. 88, 89. The Court has reviewed the relevant invoices and agrees with Maersk’s damages calculation. The Court also has calculated prejudgment interest from October 8, 2018 to the date of this Order as totaling \$17,409.81. The Court therefore will enter partial judgment as to the charges on which Maersk has prevailed in the total amount of \$159,697.81.

In its March 17, 2022 letter, Maersk stated that in the event a final judgment is entered in

line with its proposed damages amount, Maersk “would be amenable to discontinuing its remaining ocean freight claims, such that trial may be avoided and the case closed.” Dkt. 86 at 2. By April 13, 2022, Maersk shall advise the Court whether it does in fact voluntarily dismiss any surviving claims as to allegedly unpaid charges.


The Court notes that Carew and Yinka T. Omole, Esq. have filed what appear to be objections to the Court’s ruling on summary judgment. Dkts. 88, 89. As an initial matter, the Court reminds Mr. Omole yet again that he has not filed a notice of appearance in this case. *See, e.g.*, Dkts. 29, 42 at 3-4, 53 at 2-3. Additionally, it appears that Mr. Omole is not admitted to practice in this Court, *see, e.g.*, Dkt. 42 at 2, nor has he sought *pro hac vice* admission to represent Carew in this matter. *See* SDNY Loc. Civ. R. 1.5(b)(6) (identifying an “attorney not a member of the bar of this Court . . . appear[ing] at the bar of this Court without permission to do so” as a basis for discipline).

In any event, the Court construes the letters from Carew and Mr. Omole as seeking reconsideration of the Court’s May 1, 2022 Opinion and Order granting in part Maersk’s motion for summary judgment. “The standard for granting such a motion [for reconsideration] is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). Neither Carew nor Mr. Omole offers such grounds, but they both merely briefly restate some of Carew’s arguments for resisting summary judgment, which the Court has rejected. Reconsideration is therefore denied.

The Clerk of Court is respectfully directed to mail this Order to the *pro se* Defendant.

SO ORDERED.

Dated: April 6, 2022
New York, New York



JOHN P. CRONAN
United States District Judge